

## **REMARKS**

Favorable reconsideration and allowance of this application are respectfully requested.

### **1. Discussion of Amendments**

Prior claims 1 and 6-16 have now been cancelled along with prior cancelled claims 2-5. Claims 17 and 21 have each been recast in independent form by incorporating therein the prior subject matter of claim 1 from which they depended. Claims 19-20 have been cancelled and prior claim 24 amended so as to be dependent from and consistent with the subject matter of claim 21. New claim 26 is dependent from amended claim 21 and is based on prior claim 18.

Claims 27-43 are new and are headed by independent claims 27 and 34. Claims 27 and 34 each represent a combination of prior claims 17 and 21, respectively, with prior claim 6. Claims 28-33 and 35-43 are based on prior pending dependent claims.

Therefore, following entry of this amendment, claims 17-18, 21-24 and 26-43 will remain pending herein of which claims 17, 21, 27 and 34 are in independent format. Favorable action on the merits of such pending claims is therefore solicited in view of the comments which follow.

### **2. Response to Art-Based Rejections**

The only issue remaining to be resolved in this application are the rejection of prior claims 1 and 12-25 under 35 USC § 103(a) as allegedly being "obvious" and hence unpatentable over Linstid III et al (USP 6,222,000) in view of Furuta et al (USP

5,612,101).<sup>1</sup> As will become evident from the following discussion, all pending claims herein are patentably distinguishable over the applied references of record.

Applicants note that Linstid, III et al generally discloses an amorphous wholly aromatic polyester amide containing:

- 15-60% of (A) 4-hydroxybenzoic acid,
- 15-60% of (B) 2-hydroxy-6-naphthoic acid,
- 5-20% of (C) p-aminophenol,
- 7-15% of (D) isophthalic acid and
- 5-20% of (E) terephthalic acid.

Linstid, III et al however includes other structures than the above-noted polymers, for example 4,4'-bisphenol as component C, m-aminophenol as component D etc. Thus, the disclosure of Linstid, II et al is quite broad and would not lead a skilled person to *select* the particular components as claimed herein by the present application to achieve the *specific* property of improved adhesiveness to another polymer resulting in a stable multilayer product.

Linstid, III et al therefore suggests nothing about the particular selectivity of the monomers defined in the present applicants' claims so as to achieve the superior advantages of elongation and adhesiveness to another resin.

In this regard, Example 6 of the present application and Examples 9 and 10 show a product which falls within the general disclosure of Linstid, III et al. However, as will be observed, such Examples have low adhesive strengths.

The combination of Linstid et al and Furuta et al does not render the presently claimed invention unpatentable under 35 USC §103(a). Specifically, Furuta merely

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<sup>1</sup> The cancellation of claims 6-11 renders moot the Examiner's rejection based on Charbonneau et al (USP 435,918) in combination with either Furuta or Hiroshi as stated on pages 6 and 9 of the Official Action.

discloses blending a liquid crystal polyester (LCP) with an olefin. As noted during previous prosecution, Linstid III et al would not direct and ordinarily skilled person to select the particular components in the particular amounts as defined in the pending claims herein. Thus, even if an ordinarily skilled person would consider combining the LCP of Furuta with the wholly aromatic polyester of Linstid III et al, the present invention as defined by the pending claims would not be the result.

Withdrawal of the rejection advanced under 35 USC §103(a) based on the combination of Linstid, III et al and Furuta et al is also in order.

### **3. Response to Double Patenting Rejection**

Applicants respectfully request that the provisional double patenting rejection be held in abeyance pending final resolution of the patentability of the claims present in the subject application and those pending in copending application Serial No. 10/538,845.

### **4. Conclusion**

Withdrawal of all rejections of record are in order. An early and favorable reply on the merits is awaited.

**NAKANE et al**  
**Serial No. 10/538,845**  
January 11, 2008

**5. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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